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ATTORNEYS FOR FBC MORTGAGE, LLC

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	CASE NO. 19-51142
WILLIAM S. CYPHERS AKA	§	
WILLIAM CYPHERS AKA BILL	§	CHAPTER 7
CYPHERS	§	
ANA F. CYPHERS AKA ANA	§	
CYPHERS	§	
DEBTORS	§	
*****	§	
FBC MORTGAGE, LLC	§	
MOVANT	§	
 	§	
V.	§	
 	§	
WILLIAM S. CYPHERS AKA	§	
WILLIAM CYPHERS AKA BILL	§	
CYPHERS	§	
ANA F. CYPHERS AKA ANA	§	
CYPHERS, DEBTORS AND	§	
JOHN PATRICK LOWE, TRUSTEE	§	
RESPONDENTS	§	

**MOTION OF FBC MORTGAGE, LLC ITS ASSIGNS AND/OR SUCCESSORS IN
INTEREST FOR RELIEF FROM THE AUTOMATIC STAY OF AN ACT
AGAINST PROPERTY OF 11 U.S.C. §362 REGARDING
31208 SMITHSON VALLEY RD, BULVERDE, TX 78163**

TO ALL CREDITORS AND PARTIES-IN-INTEREST:

NOTICE

***WAIVER OF THIRTY DAY REQUIREMENT
MOVANT DESIRES TO WAIVE THE REQUIREMENT OF A HEARING
WITHIN THIRTY (30) DAYS UNDER §362(e) AND REQUESTS A
HEARING AT THE NEXT AVAILABLE DATE***

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within 14 days from the date of service, the relief requested herein may be granted without a hearing being held. A timely filed response is necessary for a hearing to be held.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, FBC MORTGAGE, LLC (“Movant”), a secured creditor herein, and files this its Motion for Relief From the Automatic Stay of an Act Against Property of 11 U.S.C. § 362 as follows:

**I.
Jurisdiction and Parties**

1. WILLIAM S. CYPHERS AKA WILLIAM CYPHERS AKA BILL CYPHERS and ANA F. CYPHERS AKA ANA CYPHERS, the (“Debtors”), commenced the above captioned Chapter 7 case on May 8, 2019. JOHN PATRICK LOWE is the duly appointed and acting Chapter 7 Trustee.

2. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157, 11 U.S.C. § 362, and other applicable Code provisions.

**II.
Request for Relief From the Automatic Stay of
an Act Against Property of 11 U.S.C. § 362**

3. On or about June 14, 2017, for value received, WILLIAM SYMES CYPHERS and ANA FLEITAS CYPHERS executed that certain Note in the original principal sum of \$255,290.00, bearing interest at the initial rate of 4.500 per annum and being payable as therein set out to the order of FBC MORTGAGE, LLC, A LIMITED LIABILITY COMPANY. A true and correct copy of the Note is attached hereto marked Exhibit “A.”

4. The Note is secured by that certain Deed of Trust (the “Deed of Trust”) of even date therewith, which Deed of Trust was filed for record in the Official Public Records of Real Property of COMAL County, Texas, creating a valid, first and prior lien on improved real property in COMAL County, Texas, being further described as follows:

**LEGAL DESCRIPTION MORE PARTICULARLY DESCRIBED ON THE
DEED OF TRUST AND MORE COMMONLY KNOWN AS 31208
SMITHSON VALLEY RD, BULVERDE, TX 78163 (“PROPERTY”).**

A true and correct copy of which Deed of Trust is attached hereto marked as Exhibit “B.”

5. Movant is the legal and equitable holder of the Note and the lien securing the payment of same.

6. Debtors defaulted under the terms of the Note by failing to make the payments due thereunder. Movant would show that since the filing of Debtors' bankruptcy petition, the installments due in May 1, 2019 and subsequent installments have not been made.

7. Movant requests the Debtors to provide proof of insurance showing Movant as lienholder/loss payee and make provision for future insurance coverage on the Property and that Debtors reimburse Movant with any remaining forced insurance policies for lapse of coverages.

8. Movant requests the Debtors pay and maintain ad valorem property taxes on the Property. Although the loan is currently escrowed, to the extent this loan becomes non-escrowed, Movant requests Debtors make provisions for payment of on-going ad valorem tax obligations.

9. Movant would show the Court that the Debtors have neglected to provide Movant with adequate protection with respect to the Property.

10. Movant requests that the automatic stay of 11 U.S.C. § 362 be terminated “for cause” to allow Movant to exercise its rights under the loan documents and applicable law to repossess and/or foreclose its liens on the Property based upon the Debtor's failure to make the payments due under the Note.

11. Based upon any/or all of the foregoing, Movant requests that the automatic stay of 11 U.S.C. § 362 be terminated with regard to Movant, the property and the Debtors to enable Movant to take all action authorized under the contract and applicable law, including, without limitation, loan workouts, foreclosure and/or eviction.

WHEREFORE, PREMISES CONSIDERED, Movant prays for the following relief:

1. That the automatic stay of 11 U.S.C. § 362 be terminated to allow Movant to take all action authorized under the contract and applicable law, including, without limitation, loan workouts, foreclosure and/or eviction, based upon the Debtors' failure and inability to furnish Movant with adequate protection with regard to the Property.
2. Alternatively, that the automatic stay of 11 U.S.C. § 362 be terminated "for cause" to allow Movant to take all action authorized under the contract and applicable law, including, without limitation, loan workouts, foreclosure and/or eviction of its liens on the Property as to the Property for the reasons set out above.
3. For all such other and further relief, general and special, legal and equitable, to which Movant may show itself justly entitled.

Respectfully submitted:



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ATTORNEY FOR MOVANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above foregoing Motion of FBC MORTGAGE, LLC for Relief from the Automatic Stay of an Act Against Property of 11 U.S.C. § 362 has been served upon the following parties by first class mail, postage prepaid, or by electronic mail on this 12 day of Sept., 2019.

DEBTORS

WILLIAM S. CYPHERS AKA WILLIAM
CYPHERS AKA BILL CYPHERS
ANA F. CYPHERS AKA ANA CYPHERS
31208 SMITHSON VALLEY RD
BULVERDE, TX 78163

DEBTOR'S ATTORNEY

PRO-SE

TRUSTEE

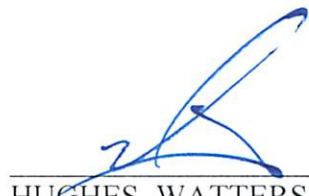
JOHN PATRICK LOWE
2402 EAST MAIN STREET
UVALDE, TX 78801

US TRUSTEE'S OFFICE

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